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Counsel to Creditors, Eugene Swisher, in his individual capacity, and as Parent and Natural Guardian of his Minor Son

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

Orbit Energy & Power, LLC.,

Debtor(s).

Chapter 7

Case No. 22-19628-ABA

**DECLARATION IN SUPPORT OF CREDITORS'
MOTION FOR AN ORDER MODIFYING STAY**

I, Alex Serrano, Esq., of full age, hereby certifies, under penalty of perjury, as follows:

1. I make this declaration in support of *Creditors' Motion for an Order Modifying Stay* (the "**Motion**").

2. I have personal knowledge of the factual averments set forth herein, and if called upon to do so, I could and would appear before the Court and competently testify to the truth thereof.

3. I am an attorney, licensed to practice law in Florida bearing Bar No. 104548.

4. I represent creditors, Eugene Swisher in his individual capacity, and as Parent and Natural Guardian of his Minor Son (hereinafter "**Creditors**").

5. Creditors have pre-petition personal injury, negligence, vicarious liability, and uninsured/underinsured motorist claims against the Debtor, and others, which the Creditors estimate to be valued in excess of \$50,000.

19. Creditors filed two lawsuits in the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, Florida, Civil Division. One styled as *Eugene T. Swisher v. William E. Wasson, Orbit Energy & Power, LLC, the Bancorp Bank, and State Farm Mutual Automobile Insurance Company* – Case No. 23-CA-000545. The other styled as *Eugene T. Swisher, as Parent and Natural Guardian of W.S., a minor v. William E. Wasson, Orbit Energy & Power, LLC, the Bancorp Bank, and State Farm Mutual Automobile Insurance Company* – Case No. 23-CA-000542.

6. Upon information and belief, the Debtor(s) are insured for Creditor's claims thereagainst.

7. Creditor(s) are ready to proceed with the foregoing lawsuits, and need the stay lifted in the above styled matters. Modification of the stay, as proposed in the Motion, is necessary to prevent extreme prejudice to the Creditors. If the stay is not modified Creditors' pursuit of justice of his/her claims, including claims against non-debtor entities, will be indefinitely stopped from moving forward.

8. For the reasons set forth in the Motion, which are fully incorporated herein by reference, the Creditors respectfully requests the entry of an Order modifying the stay and granting the Creditors authority to proceed with the above-referenced state court action against the Debtor, as a nominal party only, and to proceed to collect any judgment or settlement obtained solely against available insurance proceeds.

Pursuant to 28 U.S.C. § 1746, I hereby certify, under penalty of perjury, that the foregoing statements made by me are true and correct. I am aware that if any of said statements are willfully false, I am subject to the penalties of perjury.

Dated: May 22, 2024

/s/ Alex Serrano
ALEX SERRANO, ESQ.